

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
DIVISION

JUN 21 2019

David J. Bradley, Clerk of Court

Francisco Rodriguez # 137147

Plaintiff's Name and ID Number

San Patricio County Jail 300 N. Rachal Sinton Tx. 78387

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Cameron Brown 300 N. Rachal Sinton Tx. 78387

Defendant's Name and Address

Johnny Joe Cantu 300 N. Rachal Sinton Tx. 78387

Defendant's Name and Address

Elbisa Aguirre 300 N. Rachal Sinton Tx. 78387

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ___ YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: San Patricio County Jail 300 N. Rachel
Sinton Tx. 78387

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Francisco Rodriguez #137147

P.O. Box 1382

Sinton Tx. 78387

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Cameron Brown, Corrections officer at
San Patricio County Jail 300 N. Rachel Sinton Tx. 78387

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He striped me in a room in front of 11 other inmates and
there were windows without blinds and people walking by.

Defendant #2: Johnny Joe Cantu Corrections officer at San Patricio county jail
300 N. Rachel Sinton Tx. 78387

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He striped me in a room in front of 11 other inmates and there were windows
without blinds and people walking by.

Defendant #3: Eloisa Aguirre sergeant at San Patricio County
Jail 300 N. Rachel Sinton Tx. 78387

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She gave the male officers orders to strip us while standing
in the window looking on & allowing others to walk by during search

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

1. On 4-29-19 in between 10-11 pm a cell search was conducted in B-block. on initiation of the search the group of 12 was instructed to grab our stripes and head to the rec yard. By officers Cameron Brown, Cody Arstell, Desirae Flores & Jennifer Medina. once in the rec yard I was made to strip as eleven other inmates were looking on By officer Cameron Brown & Johnny Joe Cantu
2. I then noticed there were open windows with oposite Under Staff looking on and other inmates unrelated to the Search walking by looking in as I was being strip searched.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like the court to make a declaratory judgement and grant Compensation for Punitive Damages and Compensatory Damages.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Francisco Rodriguez III, Frankie Rodriguez

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

67597-379

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES _____ NO


D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date warning was issued: _____


Executed on: 6-18-19
DATE

Francisco Rodriguez

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 18 day of June, 2019.
(Day) (month) (year)

Francisco Rodriguez

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Appeal to Sheriff of first Grievance

SANPATRICO COUNTY JAIL INMATE GRIEVANCE FORM

DEFINITION:

1. Violation of Civil Rights
2. Criminal Acts
3. Unjust Denial or Restriction
4. Prohibited Act by Facility Staff

TO GRIEVANCE OFFICER

FROM: Francisco Rodriguez

NAME OF INMATE

B

CELL BLOCK

I WISH TO FILE A GRIEVANCE. I CERTIFY THAT MY STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

NATURE OR DESCRIPTION OF THE PROBLEM:

(PLEASE PRINT OR WRITE LEGIBLY. INCLUDE ALL DATES, TIMES AND NAMES OF PERSONS INVOLVED, INCLUDING WITNESSES IF NECESSARY)

I am appealing the response to the enclosed Grievance because I'm not satisfied with the response given. I feel like this situation is only trying to be forgotten about due to the fact that I wrote the grievance on 5-1-19 and I got my response back on 5-3-19 according to the inmate hand book; (I will receive an interim response within 15 days) 3 they responded within 2 days stating we are currently looking →

(IF MORE SPACE NEEDED, CONTINUE ON BACK)

5-5-19

DATE

[Signature]

INMATE SIGNATURE

DISPOSITION OF GRIEVANCE

INMATE NAME: _____

CELL LOCATION: _____

YOUR GRIEVANCE HAS BEEN REVIEWED AND DISPOSED OF AS FOLLOWS:

The ~~response~~ ^{1st} response on the grievance that was sent back on 5-3-19 was to let each of you know that the incident that occurred on 4-29-19 was going to be investigated.

After going thru your grievance and speaking to the jailer that were involved in the strip search that occurred on 4-29-19, The Administrator has written up and disciplined each of the jailers involved in

YOUR GRIEVANCE HAS BEEN REVIEWED AND CONSIDERED A COMPLAINT. THE COMPLAINT HAS BEEN REVIEWED AND THE FOLLOWING ACTIONS WILL BE TAKEN.

the about incident.

Sending back the original grievance you sent to the Sheriff

5-30-19

DATE

[Signature]

GRIEVANCE OFFICER

* IF YOU ARE NOT SATISFIED WITH THE RESULTS OF YOUR GRIEVANCE, YOU MAY APPEAL TO THE SHERIFF.

into this matter, what kind of response is this & what kind of investigation can be done in 2 days! My civil Rights have been violated while being incarcerated in the San Patricio County Jail. Also there's been a breach of confidentiality, before we got our responses back both officer J. Cantu & Brown made a comment that due to grievances that were wrote they may no longer have a job! I feel that I may be a victim of retaliation. I'm in fear of my life. Can you please assist me to ensure my rights are being protected. I would like to talk to an investigator & pursue charges.

Francisco Rodriguez #137147
P.O. Box 1382
Sinton TX. 78387

Legal

Mail

United States Courts
Southern District of Texas
FILE

JUN 21 2019

David L. Bradley, Clerk of Court

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INMATE
CORRESPONDENCE

Legal
Mail

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TX 784
30 JUN 2019



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Southern District of Texas

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Corpus Christi TX. 78401